

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU

&

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

O P.No. 18930 of 1998(C)

PETITIONER:

CENTRE FOR CONSUMER EDUCATION, MARKET ROAD,
PALA, REPRESENTED BY ITS CHAIRMAN.

BY ADV. SRI.JOHNSON MANAYANI

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE
CHIEF SECRETARY TO THE GOVERNMENT,
SECRETARIAT, TRIVANDRUM.
2. THE TRANSPORT SECRETARY, GOVERNMENT OF KERALA,
SECRETARIAT, TRIVANDRUM .
3. THE TRANSPORT COMMISSIONER, TRIVANDRUM.
4. THE KERALA STATE PRIVATE BUS OPERATORS FEDERATION,
REPRESENTED BY ITS PRESIDENT, SRI.V.J.SEBASTIAN,
MACHINGAL LANE, TRICHUR.

R1 TO R3 BY SENIOR GOVERNMENT PLEADER SRI.M.R.SABU

R4 BY ADV. SRI.P.GOPALAKRISHNA MENON

SRI.M.JITHESH MENON

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 22/06/2007, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

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| EXT.P1 | TRUE COPY OF THE JUDGMENT IN O.P.NO.17034 OF 1997 DATED 30.9.1997. |
| EXT.P2 | TRUE COPY OF THE JUDGMENT IN W.A.NO.1755 OF 1997 DATED 6.10.1997. |
| EXT.P3 | TRUE COPY OF THE REPRESENTATION DATED 18.5.1998 BY THE PETITIONER' |
| EXT.P4 | TRUE COPY OF THE REPRESENTATION DATED 11.8.1998 BY THE PETITIONER.. |
| EXT.P5 | TRUE COPY OF THE NEWS ITEM PUBLISHED IN THE MALAYALA MANORAMA DAILY DATED 11.11.1998.(PRODUCED ALONGWITH CMP.NO.39292 OF 1998) |
| EXT.P5 | TRUE COPY OF THE ORDER DATED 30.9.1997 IN O.P.NO.17034 OF 1997. |
| EXT.P6 | TRUE COPY OF THE ORDER DATED 6.10.97 IN WA.NO.1755/1997 |
| EXT.P7 | TRUE COPY OF THE FORM S.C.R.S UNDER RULE 158 KMV RULES. |
| EXT.P8 | TRUE COPY OF THE CMP.177/1999 IN W.A.1755 OF 1997. |
| EXT.P9 | TRUE COPY OF THE ORDER IN CMP.177/1999 IN W.A.NO.1755 OF 1997, DATED 8.6.1999. |
| EXT.P10 | TRUE COPY OF THE PERFORMANCE OF STU FOR THE YEAR 2001 |
| EXT.P11 | TRUE COPY OF THE RELEVANT PORTION OF THE REPRESENTATION GIVEN TO THE FIRST RESPONDENT. |
| EXT.P12 | TRUE COPY OF THE CALCULATION OF THE FARES. |

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

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H.L. DATTU, C.J. & K.T. SANKARAN, J.

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O.P. No. 18930 OF 1998
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Dated this the 22nd June, 2007

J U D G M E N T

H.L. Dattu, C.J.:

Though in the Original Petition filed, there is a grievance with regard to the hike in the fare by the stage carriage operators, but at the time of hearing of this Original Petition, learned counsel for the petitioner very fairly submits, if this court issues a direction to the State and its authorities to insist upon the stage carriage operators to file the Forms and Returns, as required under Rule 158 of the Kerala Motor Vehicles Rules, 1989, he would be satisfied.

2. The learned Government Pleader submits that sufficient instructions in this regard has already been issued by the State Government to the Regional Transport Authorities and its officers. Therefore, the learned Government Pleader submits that, the State Government would not mind to issue one more circular/instruction to the

authorities manning the Act, to insist on the stage carriage operators to file the Forms and Returns as required under the provisions of Rule 158 of the Kerala Motor Vehicles Rules.

3. However, the learned counsel appearing for the 4th respondent -Bus Operators Federation, though in the beginning has stated that he has no instruction in the case, but thereafter states that there is no obligation on the part of the stage carriage operators to file any Returns either under the provisions of Rule 158 of the Kerala Motor Vehicles Act or under any other provisions of the said Rules. We do not intend to comment on the statement so made by the learned counsel for the 4th respondent -Federation, for the reason it may not be necessary for disposal of this petition.

4. In view of the above, without going into other details of the Original Petition, the Petition is disposed of as under:-

ORDER

1. Original Petition is disposed of.
2. The State Government shall issue appropriate instructions to the authorities who are manning the Act, to inform the stage carriage

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operators to file Returns and Forms as required under Rule 158 of the Kerala Motor Vehicles Rules, as early as possible, at any rate within a period of six months from today.

3. I.A.No. 10493 of 2004 and C.M.P.Nos. 33366 and 39292 of 1998 are also disposed of.

Ordered accordingly.

**H.L. DATTU,
CHIEF JUSTICE.**

**K.T. SANKARAN,
JUDGE.**

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**H.L. DATTU, C.J. &
K.T. SANKARAN, J.**

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